

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Jason Westerfield,)	CASE NO. 07 CV 3518
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
vs.)	
)	
The United States of America, et al.,)	<u>Memorandum of Opinion and Order</u>
)	
Defendants.)	

This matter is before the Court upon Defendant Lee Lucas's Motion to Dismiss Based Upon the FTCA's Judgment Bar (Doc. 208). In the alternative, defendant Lucas moves for partial reconsideration of the Court's October 2, 2013 Memorandum of Opinion and Order. In response, plaintiff concedes that the FTCA's judgment bar requires dismissal of the *Brady* claim asserted against defendant Lucas. Plaintiff argues that, as such, reconsideration is moot.

Upon review, the Court finds that dismissal is warranted in that the parties agree that the sole remaining claim in the case is subject to the FTCA's judgment bar. The Court further agrees that because this provides a basis for dismissal of the claim, the Court need not reach defendant's alternative arguments regarding reconsideration of the Court's October 2, 2013

Memorandum of Opinion and Order. The motion to dismiss is GRANTED.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan

PATRICIA A. GAUGHAN

United States District Judge

Dated: 11/7/13